

APPEAL NO. 030896
FILED MAY 22, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 31, 2003. The hearing officer resolved the disputed issue by deciding that the respondent/cross-appellant (claimant) had disability resulting from the compensable injury sustained on _____, for the period beginning on June 6 and continuing through September 8, 2002. Both parties appealed the disability determination. The claimant contends that she has had disability from June 6, 2002, through the present. The appellant/cross-respondent (self-insured) contends that the claimant has not had any disability. The self-insured responded to the claimant's appeal. No response was received from the claimant to the self-insured's appeal.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury. In a Benefit Dispute Agreement (TWCC-24), the parties agreed that the compensable injury is to the lumbar spine. The claimant had the burden to prove that she has had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disability issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision on the disability issue is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Robert W. Potts
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Edward Vilano
Appeals Judge